IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1 of 2007 (S/B)

Gajendra Singh Topal S/o Late D.S. Topal,
R/o Officiating Treasury Officer,
Narendra Nagar,
District Tehri Garhwal. …… Petitioner

Versus

1. Principal Secretary, Finance,
   Government of Uttarakhand,
   Dehradun.
2. Additional Secretary, Finance,
   Government of Uttarakhand,
   Subhash Road, Dehradun.
3. Rajendra Prasad Nautiyal,
   R/o Treasury Officer,
   District Uttarkashi.
4. Dilbar Singh Bisht,
   R/o Treasury Officer,
   Lansdown, Pauri Garhwal. …….. Respondents

Mr. S.N. Babulkar, Senior Counsel with Mr. Tumul Nailwal, Advocate for the petitioner.
Mr. Ashish Joshi, Brief Holder for respondents Nos. 1 & 2.
Mr. R.P. Nautiyal, Advocate for respondents Nos. 3 & 4.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. S.N. Babulkar, Senior Counsel with Mr. Tumul Nailwal, Advocate for the petitioner.

Mr. Ashish Joshi, Brief Holder for respondents Nos. 1 & 2.

Mr. R.P. Nautiyal, Advocate for respondents Nos. 3 & 4.

They are heard on admission.

2. The learned counsel for the respondents have raised a preliminary objection about the maintainability of the writ petition on the ground that the petitioner has an alternative efficacious remedy of filing a claim petition before the Public Service Tribunal.

3. Mr. S.N. Babulkar, the learned Senior Counsel for the petitioner could not demonstrate as to how the alternative remedy of filing a claim petition before the Public Service Tribunal is not efficacious in the present case.

4. In this view of the matter and following the Division Bench decisions in the cases of **Bhuvan Chandra Pandey & others Vs. State of Uttaranchal & others** reported in **2006(2) U.D. 439** and **Nanda Ballabh Pant Vs. State of Uttaranchal & others (W.P.S.B. No. 257 of 2005),** we decline to exercise our discretionary jurisdiction under Article 226 of the Constitution of India.

5. The writ petition, therefore, is dismissed in limine with the liberty to the petitioner to avail the alternative remedy of filing a claim petition before the Public Services Tribunal for the redressal of the petitioner's grievances projected in the writ petition.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C. J.)**
19.11.2007 19.11.2007

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